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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,322	07/02/2001	Mitsuyoshi Nihei	210288US2	6657

22850 7590 02/02/2004

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

KRISHNAN, SUMATI

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/895,322

Applicant(s)

NIHEI ET AL.

Examiner

Sumati Krishnan

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 is/are allowed.
- 6) ☒ Claim(s) 2-4 and 6-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: .

DETAILED ACTION

Response to Amendment

Claim 7 as amended is clearly supported by the specification. Claims 2-4 and 6-7 remain rejected, and new claim 8 is rejected. All of applicant's arguments to the Office Action of May 8, 2003 are in reference to the amended claims, which are newly rejected below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dubois (US 4100455) in view of Greene et al (US 5698942) further in view of Glelen et al (US 5177396).

Regarding claims 2-4, DuBois discloses a fluorescent display device comprising a vacuum envelope constituted by a face plate, an anode side substrate and side plates, and cathodes arranged between face plate and anode side substrate. See fig. 4. In addition, DuBois discloses a metal sheet with multiple perforations disposed on the whole rear surface of the face

Art Unit: 2875

plate. See claim 1(b) and column 5 lines 35-40. The opening and non-opening portions are arranged in a lattice like manner, see fig. 3. Dubois does not disclose an aluminum reflector, but both Greene et al and Glelen et al teach the use of aluminum as a reflector. Greene et al recognizes that the thickness of an aluminum layer needs to be at least 500 Angstroms to reflect light effectively. Additionally, it is well known in the art to provide a reflector with a thickness of about 1000 Angstroms (or 100 nm), as evidenced by Glelen, who also discloses aluminum as being an economical choice of materials as a reflector. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used an aluminum reflector of 1000Angstroms thickness, considering this thickness is well known in the art and aluminum is an inexpensive material that reflects well.

Regarding claim 6, the metal film 38 has at least two regions, each of the regions having opening and non opening portions, the film being partially varied in light transmittance, by virtue of its having opening and non opening portions. See figure 4. The limitation having to do with varying the area of the opening and non opening portions, is considered a product by process claim limitation and thus not given any patentable weight. It is the product itself, not the process by which it is made which is given patentable weight.

Regarding claims 7 and 8, Dubois discloses the opening and non opening portions formed at a portion of the metal film corresponding to a display section. Although Dubois does not specifically disclose the metal film corresponding to a sealing section of the device, applicant has not provided that the screen specifically located at the sealing section provides any further advantage over the prior art. Alternatively, it is well known in the art to provide a reflector at a sealing portion of a display, as evidenced by Greene's reflector 26 which is located at the edges

Art Unit: 2875

of the display device, where the device is sealed. Therefore, it would have been obvious to one of ordinary skill in the art to have positioned the metal film of Dubois in the sealing section of the display device since it is a well known configuration.

Allowable Subject Matter

Claim 5 is allowed. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record neither shows nor suggests a void portion in the metal film for deposition of a getter.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumati Krishnan whose telephone number is 571-272-2372. The examiner can normally be reached on 8:00 am - 4:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

SK



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800